

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 79

# **HOUSE BILL 2457**

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING  
SECTION 38-1102; RELATING TO THE CARRYING OF FIREARMS BY PEACE OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 38, chapter 8, article 1, Arizona Revised Statutes,  
3 is amended by adding section 38-1102, to read:

4 38-1102. Carrying of firearms by peace officers; exceptions;  
5 definitions

6 A. THIS STATE, A COUNTY, A CITY OR TOWN OR ANY OTHER POLITICAL  
7 SUBDIVISION OF THIS STATE SHALL NOT PROHIBIT A PEACE OFFICER FROM CARRYING A  
8 FIREARM IF THE PEACE OFFICER IS IN COMPLIANCE WITH THE FIREARM REQUIREMENTS  
9 PRESCRIBED BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD.

10 B. A PEACE OFFICER MAY BE PROHIBITED FROM CARRYING A FIREARM AS  
11 FOLLOWS:

12 1. IN A JAIL, CORRECTIONAL FACILITY OR JUVENILE DETENTION FACILITY.

13 2. BY ORDER OF:

14 (a) THE PRESIDING JUDGE OR JUSTICE WHEN ATTENDING ANY COURT THAT IS  
15 ESTABLISHED PURSUANT TO THE CONSTITUTION OF THIS STATE OR TITLE 12, EXCEPT IF  
16 THE PEACE OFFICER IS PROVIDING COURT SECURITY OR RESPONDING TO AN EMERGENCY.

17 (b) A JUSTICE COURT WHEN ATTENDING THE JUSTICE COURT, EXCEPT IF THE  
18 PEACE OFFICER IS PROVIDING COURT SECURITY OR RESPONDING TO AN EMERGENCY.

19 (c) A MUNICIPAL COURT WHEN ATTENDING THE MUNICIPAL COURT, EXCEPT IF  
20 THE PEACE OFFICER IS PROVIDING COURT SECURITY OR RESPONDING TO AN EMERGENCY.

21 3. WHEN THE PEACE OFFICER IS RELIEVED OF THE PEACE OFFICER'S DUTIES  
22 AND IS UNDER A CRIMINAL OR ADMINISTRATIVE INVESTIGATION.

23 4. WHEN IN A SECURED POLICE FACILITY.

24 5. WHEN CONSUMING ALCOHOL AT A LICENSED LIQUOR ESTABLISHMENT OPERATED  
25 BY THIS STATE, A COUNTY, A CITY OR TOWN, OR ANY OTHER POLITICAL SUBDIVISION  
26 OF THIS STATE, EXCEPT IF THE PEACE OFFICER'S EMPLOYING AGENCY AUTHORIZES THE  
27 CONSUMPTION OF ALCOHOL IN THE PERFORMANCE OF THE PEACE OFFICER'S DUTIES.

28 6. IN A LOCATION PROHIBITED BY FEDERAL LAW.

29 7. PURSUANT TO COURT ORDER.

30 8. PURSUANT TO ANY STATE OR FEDERAL LAW THAT MAKES THE OFFICER A  
31 PROHIBITED POSSESSOR.

32 9. WHEN IN THE JUDGMENT OF THE DEPARTMENT HEAD, OR THE DEPARTMENT  
33 HEAD'S DESIGNEE, THE PEACE OFFICER EXHIBITS ANY IMPAIRMENT, INCLUDING ANY  
34 PHYSICAL OR MENTAL IMPAIRMENT THAT WOULD CAUSE CONCERN FOR THE WELL-BEING AND  
35 SAFETY OF THE OFFICER, THE OFFICER'S LAW ENFORCEMENT AGENCY, LAW ENFORCEMENT  
36 AGENCY EMPLOYEES OR THE COMMUNITY.

37 C. A LAW ENFORCEMENT AGENCY THAT EMPLOYS A PEACE OFFICER MAY ESTABLISH  
38 RULES THAT ARE CONSISTENT WITH THIS SECTION. THE LAW ENFORCEMENT AGENCY MAY  
39 DETERMINE THE NUMBER, TYPE, MODEL, CALIBER AND BRAND OF FIREARM AND THE  
40 AMMUNITION THAT IS CARRIED BY ITS PEACE OFFICERS ON OR OFF DUTY.

41 D. THIS SECTION DOES NOT CREATE ANY CIVIL LIABILITY FOR ACTING OR  
42 FAILING TO ACT.

43 E. FOR THE PURPOSES OF THIS SECTION:

44 1. "FIREARM" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-105.

45 2. "PEACE OFFICER" HAS THE SAME MEANING PRESCRIBED IN SECTION 1-215.

1           3. "RELIEVED OF DUTY" MEANS WHEN A PEACE OFFICER IS NO LONGER REQUIRED  
2 TO PERFORM, EITHER TEMPORARILY OR PERMANENTLY, THE DUTIES FOR WHICH THE  
3 OFFICER WAS EMPLOYED.

4           4. "SECURED POLICE FACILITY" MEANS A BUILDING OR STRUCTURE THAT IS  
5 USED PRIMARILY BY A PUBLIC AGENCY AND THAT IS NOT ACCESSIBLE TO THE GENERAL  
6 PUBLIC EXCEPT BY CONTROLLED ACCESS.

APPROVED BY THE GOVERNOR APRIL 16, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2007.